

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL KATZ and MICHAEL KATZ, as	:	CIVIL ACTION
Administrators of the Estate of	:	
Sarah Katz, Deceased	:	
	:	
v.	:	
	:	
PANERA BREAD	:	
COMPANY and PANERA, LLC	:	NO. 23-4135

ORDER

NOW, this 18th day of December, 2023, upon consideration of the Defendants' Motion to Dismiss Plaintiffs' Complaint (Doc. No. 18), the plaintiffs' response, and the defendants' reply, it is **ORDERED** that the motion is **GRANTED in part** and **DENIED in part**.

IT IS FURTHER ORDERED that:

1. To the extent the motion seeks to dismiss Count IV, it is **GRANTED**.
2. In all other respects, the motion is **DENIED**.
3. Count IV of the Complaint is **DISMISSED**.
4. The plaintiff may file an amended complaint, adding a cause of action for breach of implied warranty, no later than **December 27, 2023**.
5. The defendants shall file an answer to the amended complaint no later than **January 10, 2024**.


TIMOTHY J. SAVAGE, J.